IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION Nos. 1302 of 1995, 20782 of 1996, 18172 of 1997, 23134 of 2000, 12101 of 2001 and 6157 of 2003

WRIT PETITION No. 1302 of 1995

Between:

Mohammad Himayat Ali,

S/o. Vilayat Ali, R/o. H.No.16-3-586,

Chenchalguda, Hyderabad

….. PETITIONER

AND

1. The Andhra Pradesh Vikalangula Co-operative Corporation, Rep. by its Managing Director, 11-4-634, B-Block, Venkataramana Apartments, A.C. Guards, Hyderabad – 500 004.

2. Mrs. Vijaya Laxmi, R/o. Ho.No.17/44,
Tukaram Gate, Jyoti Nagar, Lalaguda, Secunderabad.

3. K. Eswara Rao, Junior Accountant,
Training-cum-Production Centre, Bokkannapalem, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of Respondent No.1 in fixing the different pay scales to the employees in the same cader and promoting juniors to higher posts is

illegal, arbitrary, malafide and against natural justice and consequently to direct the 1st respondent to fix the scale of pay of Rs.1100-40-1500-50-2050 with effect from 1-8-1987.

Counsel for the Petitioner: MR.D.V. REDDY

Counsel for the Respondent No.1: MR.K.RAMANUJACHARI, SC for APVCC

Counsel for the Respondent Nos. 2and 3: None appeared

WRIT PETITION NO : 20782 of 1996

Between:

I.Gopal Krishna, S/o Late Bangaru Raju,
H.No.2-4-23/1, Srinagar, Kakinada Presently Working as Helper,
O/O Dist. Manager, AP Vikalangula Co-Op. Corporation,
Kakinada

..... PETITIONER

AND

The Managing Director,
AP Vikalangula Co-Op. Corporation, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent authority in not giving due promotion and higher pay scale to the petitioner while promoting and giving higher pay scale to the junior of the petitioner as illegal, arbitrary and violation of fundamental rights guaranteed to the petitioner under Articles 14, 16, 19, 21 & 309 of the constitution of India and consequently direct the respondent authority to give the promotion and pay scale to the petitioner on par with P.Nageswara Rao, who is working as junior Assistant at Khamam who is junior to the petitioner with all consequential benefits.

Counsel for the Petitioner: SMT.A.CHAYA DEVI

Counsel for the Respondent: MR.K.RAMANUJACHARI, SC for APVCC

WRIT PETITION NO : 18172 of 1997

Between:

Smt.B.Vijaya Lakshmi W/o.Venkateswarlu
R/o.Maratipalem, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector & Executive Director,
A.P. Vikalangula Coop. Corporation
Ongole, Prakasam District.
2 The Managing Director A.P. Vikalangula Coop. Corporation
Hyderabad.
3 The Project Officer, Training-cum-Production Unit,
Ongole, Prakasam District.
4 Inspector of Police Criminal Investigation Department
Ongole Zone, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari, calling for entire connected records relating to order Dt.31/05/1997 in D.Dis.No.183/96 of the first respondent and quash the same and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.A.CHAYA DEVI

Counsel for the Respondent Nos.1&2: MR.K.RAMANUJA CHARI, SC for APVCC

Counsel for the Respondent No.3&4: None appeared

WRIT PETITION NO : 23134 of 2000

Between:

R.V.S.Prasada Rao, S/o. R.V.Ramakrishna Rao,
R/o. Dollars Chambers, Lakidakapul,
Hyderabad.

..... PETITIONER

AND

Andhra Pradesh Vikalangula Coop., Corporation,
Rep. by its Managing Director, B.R.K.R. Bhavan,
Ground Floor, Tank Bund Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent herein in non paying the increments to the Petitioner herein as and when the said increments fall due as

arbitrary, illegal, capricious and violative of all cannons of justice and principles of natural justice and issue consequential direction to pay the increments as per the pay scale of the Petitioner.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent : MR.K.RAMANUJA CHARI, SC for APVCC

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WRIT PETITION NO : 12101 of 2001

Between:

Bhandary Swamy, S/o. Late B.Lakshmaiah.
R/o. 8-3-392/1, Ellareddyguda,
Hyderabad-500 873.

..... PETITIONER

AND

A.P. Vikalangula Cooperative Corporation,
Rep. by its Managing Director,
B.R.K.R.Bhavan, Ground Floor,
Saifabad, Hyderabad-500 004.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Certiorari calling for the entire records relating to the impugned Memo bearing No.E/1514/2001 dated 28/05/2001 issued by the Managing Director of the respondent herein and quash the same as arbitrary, illegal, capricious, malafide and consequently directing the respondents herein to reinstate the petitioner into service forthwith.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI, SC For APVCC

WRIT PETITION NO : 6157 of 2003

Between:

R.V.S.Prasada Rao, S/o. R.V. Ramakrishna Rao,

R/o. Dollar Chambers, Lakadikapul,
Hyderabad.

..... PETITIONER

AND

Andhra Pradesh Vikalangula Coop, Corporation,
Rep. by its Managing Director,
B.R.K.R.Bhavan, Ground Floor,
Tank Bund Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the impugned order dt.11/11/2002 bearing Proc No. A1/APVCC/Estt/2001-503 issued by the respondent herein as arbitrary, illegal, capricious and violative of fundamental rights guaranteed to the Petitioner under Art 14 of Constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI, SC for APVCC

The Court made the following COMMON ORDER:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.1302 of 1995, 20782 of 1996, 18172 of 1997, 23134 of 2000, 12101 of 2001 and 6157 of 2003

COMMON ORDER:

In these writ petitions, the petitioners are seeking fixation of pay scales, release of increments, promotion etc., and also challenging the orders of dismissal from service, reversion, seeking remarks on the enquiry report etc. passed by the Andhra Pradesh Vikalangula Cooperative Corporation.

Similar writ petitions were dismissed by this Court by a common Judgment dated 29-10-2004 in W.P.No.21643 of 2000 and batch. Following the same, these writ petitions are liable to be dismissed as not maintainable, since they seek judicial review of the service conditions, which are in the realm of pure contract made under bye-laws, which have no statutory force or flavour. Further, petitioners have effective and efficacious alternative remedy by way of approaching the authorities under the Cooperative Societies Act to work out their remedies.

Accordingly, the writ petitions are dismissed. The petitioners are at liberty to approach the authorities under the A.P. Cooperative Societies Act for redressal of their grievances, if they are so advised. There shall be no order as to costs.

November 19, 2004

VA

1. The Managing Director, Andhra Pradesh Vikalangula Co-operative Corporation, 11-4-634, B-Block, Venkataramana Apartments, A.C.

Guards, Hyderabad – 500 004.

2. The Joint Collector & Executive Director,
A.P. Vikalangula Coop. Corporation
Ongole, Prakasam District.

3. The Managing Director A.P. Vikalangula Coop. Corporation
Hyderabad.

4. The Project Officer, Training-cum-Production Unit,
Ongole, Prakasam District.

5. The Inspector of Police Criminal Investigation Department
Ongole Zone, Prakasam District.

6. The Managing Director, A.P. Vikalangula Cooperative Corporation,
B.R.K.R.Bhavan, Ground Floor, Saifabad, Hyderabad-500 004.

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